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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,824	06/27/2000	Jeffrey C. Schroeder	FL001	4570

7590 01/11/2007

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EXAMINER	
TRAN, HAI V	
ART UNIT	**PAPER NUMBER**
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/604,824	SCHROEDER, JEFFREY C.	
	Examiner	Art Unit	
	Hai Tran	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-88* is/are pending in the application.

4a) Of the above claim(s) *1-33* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *34-88* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Reopened Prosecution

In view of the Pre-Appeal brief filed on 09/14/2006, PROSECUTION IS HEREBY REOPENED. A new Office Action is set forth below.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

KELLEY CHRISTOPHER S.

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 34-36, 40-77, and 79-88 are rejected under 35 U.S.C. 102(b) as being anticipated by Shelton (US 5568385).

Claim 34, Shelton discloses a system for integrating data representing weather parameters prevailing at a plurality of geographic locations into television broadcast signals originating from and related to the plurality of geographic locations (see Fig. 1), the system comprising:

a portable monitoring station (1, 38,44,46) located at each of the plurality geographic locations, the monitoring station including,

means for sensing the weather parameters prevailing at each of the plurality of geographic locations (Col. 5, lines 65-Col. 6, lines 16), and for generating weather parameter signals representing the weather parameters (Col. 6, lines 17-23), and

means (39, 43, 47) for transmitting the weather parameter signals from the monitoring station (Col. 6, lines 32-52);

a base station 4 including,

means for receiving the weather parameter signals from the monitoring station (Col. 6, lines 38-42),

means for generating icon signals representing weather parameter icons in response to the weather parameter signals, the weather parameter icons representing the weather parameters sensed at the plurality of geographic locations (Fig. 19-20, Col. 3, lines 20-67; Col. 7, lines 1-20; Col. 16, lines 65-Col. 17, lines 20), and

means for converting the icon signals into television signals representing the weather parameters, the television signals being in a format suitable for integration into the television broadcast signals (Col. 3, lines 15-20; Col. 7, lines 21-29);

production switching means (20) for receiving the television signals representing the weather parameters and the television broadcast signals, and for combining the television signals representing the weather parameters and the television broadcast signals so that 1st icon signals representing first weather

parameter signals sensed at a first geographic location are combined with first television broadcast signals from the 1st geographic location, and so that second icon signals representing 2nd weather parameter signals sensed at a 2nd geographic location different from the 1st geographic location are combined with second television broadcast signals from the 2nd geographic location; and

means coupled with the production switching means for selecting an output television signal corresponding to either the first icon signals representing the first weather parameter signals sensed at the first geographic location combined with the first television broadcast signals from the first geographic location or the second icon signals representing the second weather parameter signals sensed at the second geographic location combined with the second television broadcast signals from the second geographic location (Col. 3, lines 53-67 and Col. 7, lines 29-39).

Claim 35, Shelton further discloses wherein the television broadcast signals are live video signals including portions, which can vary responsive to the weather parameters prevailing at the geographic locations (Col. 3, lines 15-20 and Col. 3, lines 53-67).

Claim 36, Shelton further discloses wherein the sensing means includes means for sensing wind direction prevailing at the plurality of geographic locations and for generating wind direction signals representing the sensed wind

direction, and means for sensing wind speed prevailing at the plurality of geographic locations and for generating wind speed signals representing the wind speed (see Fig. 6, el. 204).

Claim 40, "wherein the icon signal generating means is simultaneously responsive to the wind direction signals, to create a wind direction icon signal representing a wind direction icon, and to the wind speed signals, to create a wind speed icon signal representing a wind speed icon" is further met by Shelton GUI (Fig. 6, 8-24) that allows the operator to configure the system as needed (see Col.3, lines 20-67; Col. 10, lines 40-Col. 18, lines 65).

Claim 41, "wherein the weather parameters prevailing at each of the plurality of geographic locations are continuously monitored for changes over time, so that changes in the weather parameters can be matched with changes in the television broadcast signals." Reads on "Shelton collected weather data from various remote weather stations are presented to users in realtime (Col. 42-67).

Claim 42, "wherein the transmitting means is a shared transmitting means, having time-multiplexing means for establishing communications between the monitoring station and the base station" reads on Shelton 's "...encodes all such serial digital signal**s** ... into a single serial digital signal 88 is a fixed length string of 18 bytes...", see Col. 7, lines 59-Col. 8, lines 13.

Claim 43, "which further includes means for periodically polling the monitoring station, for the continuous monitoring of the changes in the weather parameters over time." is further met by Shelton (Col. 6, lines 18-22; Col. 8, lines 8-13).

Claim 44, "wherein the weather parameters prevailing at each of the plurality of geographic locations are continuously monitored in real-time" is further met by Shelton (Col. 3, lines 47-50).

Claim 45, "wherein the production switching means includes means for merging the icon signals with the television broadcast signals, the merging means producing the output television signal representing the weather parameter icons superimposed on the television broadcast signals." is further met by Shelton (Col. 3, lines 8-42).

Claim 46, "which further includes means for generating an advertising icon signal representing an advertising icon including advertising indicia, and wherein the output television signal produced by the merging means includes an advertising icon merged with the weather parameter icons superimposed on the television broadcast signals" is further met by Shelton GUI (Fig. 6, 8-24) that allows the weather operator to configure the system as needed with various

bitmap image/icons including advertising indicia, i.e., icon with "todays Precipitation" that distribute to television user, as disclosed in Fig. 5B of one of the embodiment (Col.3, lines 20-67; Col. 10, lines 40-Col. 18, lines 65).

Claim 47, "wherein the monitoring station includes a microcontroller coupled to receive the weather parameter signals from the sensing means, and wherein the microcontroller includes means for sampling the weather parameter signals generated by the sensing means, and interrupt logic for servicing interrupts generated by the sampling means" is further met by Shelton (Fig. 4; Col. 10, lines 1-10).

Claim 48, "wherein the microcontroller further includes interrupt service routines for configuring the sampling means and to retrieve sampled data from the sampling means, and switch logic responsive to an operator and operatively coupled with the interrupt service routines for configuring and programming the microcontroller" is further met by Shelton (Fig. 4; Col. 9, lines 35-67).

Claim 49, "wherein the microcontroller further includes protocol interrupt logic for coordinating and executing series communication of the sampled data from the microcontroller to the base station" is further met by Shelton (Fig. 4; Col. 9, lines 35-67).

Claim 50, "wherein the base station includes multi-point serial communications protocol logic for coordinating and executing serial communications between the base station and the microcontroller of the monitoring station" is further met by Shelton (Fig. 4; Col. 9, lines 35-67).

Claim 51, "wherein the protocol logic is based on a poll-select protocol" is further met by Shelton (Fig. 4; Col. 9, lines 35-67).

Claim 52, "wherein the microcontroller further includes operator interface means coupled with the microcontroller" is further met by Shelton (see Fig.4, el. 114; Col. 10, lines 1-10).

Claim 53, "wherein the operator interface means enables a selective display of status conditions of the monitoring station" is further met by Shelton (see Fig.4, el. 114; Col. 10, lines 1-10).

Claim 54_52, "wherein the operator interface means enables selection of the monitoring station to be sampled" is further met by Shelton (see Fig.4, el. 114; Col. 10, lines 1-10).

Claim 55, "wherein the operator interface means enables selection of a graphic for displaying data received from the monitoring station" is further met by Shelton (see Fig.4, el. 114; Col. 10, lines 1-10).

Claim 56, "wherein the operator interface means includes at least one remote status window for the monitoring station coupled with the base station, for displaying status conditions and sampled data to the operator" is further met by Shelton (see Fig.4, el. 114; Col. 9, lines 20-Col.10, lines 1-10).

Claim 57, "wherein the operator interface means further includes means for controlling the sampling and the display of the monitoring station, and means for setting graphic parameters and for controlling display of icons associated with the monitoring station" is further met by Shelton (see Fig.4, el. 114; Col. 9, lines 20-Col.10, lines 1-10).

Claim 58, "which further includes graphics presenting and updating logic means coupled with the operator interface means, for combining operator inputs with the sampled data from the monitoring station, and for responsively displaying the graphics" is further met by Shelton (see Fig.4, el. 114; Col. 9, lines 20-Col.10, lines 1-10).

Claim 59, "wherein the graphics presenting and updating logic means is coupled with protocol interrupt logic for coordinating and executing communication of the sampled data from the microcontroller to the base station, for refreshing the sampled data from the monitoring station, thereby providing an up-to-the-minute display of weather conditions for display with the television broadcast signals" is further met by Shelton (see Fig.4, el. 114; Col. 9, lines 20-Col.10, lines 1-10).

Claim 60,"wherein the weather conditions and the television broadcast signals are continuously monitored and displayed in real-time" is further met by Shelton (Col. 3, lines 35-67).

Claim 61 is analyzed with respect to claim 34 in which further claimed limitation "wherein the monitoring station includes a microcontroller coupled to receive the weather parameter signals from the sensing means, add wherein the microcontroller includes means for sampling the weather parameter signals generated by the sensing means, and interrupt logic for servicing interrupts generated by the sampling means" is further met by Shelton Fig. 4 and Col. 10, lines 1-10.

Claim 62 is analyzed with respect to claim 48.

Claim 63 is analyzed with respect to claim 49.

Claim 64 is analyzed with respect to claim 50.

Claim 65 is analyzed with respect to claim 51.

Claim 66 is analyzed with respect to claim 52.

Claim 67 is analyzed with respect to claim 53.

Claim 68 is analyzed with respect to claim 54.

Claim 69 is analyzed with respect to claim 55.

Claim 70 is analyzed with respect to claim 56.

Claim 71 is analyzed with respect to claim 57.

Claim 72 is analyzed with respect to claim 58.

Claim 73 is analyzed with respect to claim 59.

Claim 74 is analyzed with respect to claim 60.

Claim 75 is analyzed with respect to claim 34.

Claim 76 is analyzed with respect to claim 35.

Claim 77 is analyzed with respect to claim 36.

Claim 79 is analyzed with respect to claim 41.

Claim 80 is analyzed with respect to claim 43.

Claim 81 is analyzed with respect to claim 44.

Claim 82 is analyzed with respect to claim 45.

Claim 83 is analyzed with respect to claim 46.

Claim 84 is analyzed with respect to claims 52 and 53.

Claim 85 is analyzed with respect to claim 54.

Claim 86 is analyzed with respect to claim 55.

Claim 87 is analyzed with respect to claim 56.

Claim 88 is analyzed with respect to claim 57.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 37-39 and 78 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shelton (US 5568385).

Claim 37, Shelton further discloses wherein the monitoring station includes a microcontroller coupled to receive the weather parameter signals from the sensing means, and wherein the transmitting means includes a modem coupled to the microcontroller to transmit the wind direction signals and the wind speed signals from the monitoring station (Col. 7, lines 40-Col. 8, lines 45).

Shelton further suggests the use of any suitable of communication from one site to another remote site including wireless communication (e.g., RF, VHF, UHF, or microwave frequencies), fiber optics, power lines, cellular telephones, wireless pager systems, infrared, and any other present or future method or

means of communicating from one site to another remote site (Col. 3, lines 3-7 and Col. 8, lines 15-18). As such, Shelton' s disclosure encompasses the claimed limitation "means includes a wireless modem" because the communication device mean inherently conforms to the communication protocol and topology that it uses to communicate.

Alternatively, if Applicant disagrees with the Examiner then Official Notice is taken that the use of a wireless modem for communication between two devices is notoriously well known in the art for the benefit of simplicity in eliminating wire/cable for communication. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shelton' s modem 39 to a "wireless" modem for taking the advantage of using wireless communication protocol, i.e., cellular telephone, RF, VHF, UHF, or microwave frequencies.

Claim 38, limitation "wherein the wireless modem is coupled with a cellular communications network" is analyzed with respect to claim 37.

Claim 39, limitation "wherein the wireless modem is coupled with a UHF radio communications network" is analyzed with respect to claim 37

Claim 78 is analyzed with respect to claim 37.

Conclusion

Applicant's amendment (dated 03/14/2006) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
01/05/2007

HAITRAN
PRIMARY EXAMINER